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SN 09/695,549 LIT-106

Remarks

Claims 1-14 and 22-25 are pending in the above-identified application. In view of the last Office Action being made final, no further amendments to the claims are made in this response. Favorable reconsideration is requested.

Claim Rejections - 35 U.S.C. §103

MPEP §706.02(j) states: "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

The Examiner rejected all claims under 35 U.S.C. 103(a) as being obvious based on Broulik et al. (U.S. Patent 6,323,881) in view of Graham (Introduction to HTML) and newly applied Tan (U.S. Patent 6,314,469). Applicant respectfully traverses the rejections.

Claim 1 is directed to a method implemented by a server. First information having a first instruction, names and location indicators are received at the server to execute a target program located on the server but unsupported by a server application. The names identify the server application and target program that are both located on the server. The location indicators serve to locate the server application and target program. The name of the target program is in a format not understood by a supported program resident on the server. A second instruction in the supported program resides on the server, converts the name of the target program into a format understood by the supported program, and causes execution of the target program on the

server. The second instruction is based on the first instruction wherein the supported program is supported by the server application.

Broulik is directed to a server that provides an interface to craft users in a telecommunication network allowing remote access. If the craft user generates a command request from his PC, server 30 converts the request from HTTP to the appropriate Common Gateway Interface (CGI) task. Depending on the nature of the request, the CGI may convert the request into an appropriate application call to the telecommunication application 54 and get the application reply data. See Broulik, column 5, lines 12-16 & 25-31.

The teachings of Broulik were discussed in the Office Action relative to claim 1. Broulik was said to teach receiving at least a first instruction at server 30 to execute a target program (telecom application 54) that is unsupported by a server application. That is, it was said that the server did not support the telecom application which was characterized as the target program. Applicant respectfully disagrees.

The "target program" from the perspective of server 30 in Broulik is the CGI task 44, or could be considered to be the CGI task 44 in combination with the telecom application 54. In accordance with claim 1, the entire method is recited as being implemented by a server and hence it is from the perspective of the server that the claim language must be properly interpreted. Contrary to the statement in the Office Action that the server in Broulik does not support the target program, the server in Broulik fully supports and is compatible with the target program. It is explained in Broulik at column 5, beginning at line 12:

If the request is a command or navigation, the server 30 finds the appropriate CGI task 44 and passes the requests to it. The request has been changed by a server 30 from an http request into a CGI request.

It is clear from the above quotation that the server 30 is fully able to receive a request from a craft user, process the request, and pass the request as processed on for appropriate action. This is contrary to claim 1 in which the server is not able to support a received request since the request is in a format not understood by the server. Whether the CGI task is able to complete all

of the requested action by itself or relies upon supplementary processing is not relevant to the question of whether the server supports the target program. The object, i.e. target, of the server in Broulik is the CGI task. The server 30 provides support for the requested actions.

As a further example illustrating that the target program is fully supported by the server, it is the server itself that first acquires a free CGI task and activates it upon receiving a log-in request. A special numeric tag acts as a session handle and is used to establish an association between the window (on the craft user's PC) and the session. This allows the server 30 to recognize that the requests should go to the appropriate CGI task. See column 7, lines 5 -16. That is, the server itself fully supports the request made by the craft user. Hence, the server in Broulik provides direct support of the craft user's request as executed by another "target" program. Thus, Broulik does not describe a target program that is unsupported by a server with regard to being able to process user requests, and therefore does not support the limitation as required in accordance with claim 1.

Claim 1 clearly recites that both the server application and the target program are located on the server. Further, the recited supported program also resides on the server. These requirements are not taught in Broulik which is relied upon as teaching these elements.

Figure 2 in Broulik illustrates the primary elements relevant to the consideration of claim 1 of the present invention. A PC 38 includes a browser 40 that communicates directly with servers 30, 32 or to the server's through proxies 26, 28. Separate elements 34, 36 contain the CGI tasks. The CGI tasks are coupled respectively to separate telecom applications 54 (see figure 3). Based on the teachings of Broulik, it is clear that neither the CGI tasks nor the telecom applications are located on the server 30. It appears that no explanation is given in the Office Action with regard to the lack of teaching in Broulik of the "supported program residing on the server". It will be noted that the "supported program" is separate and distinct from the target program. Because Broulik does not provide such a teaching and in view of the lack of any recitation in the Office Action for this requirement, a prima facie grounds for rejection of claim 1 has not been established.

With regard to the lack of teaching in Broulik that the target program be located on the server, it is stated in the Office Action that "co-locating a target program and the server application would have been obvious"; no support for such a conclusion is given. Applicant respectfully traverses this unsupported conclusion. Broulik does not support such a conclusion since the telecom program which was equated to the target program in the Office Action is clearly not part of the server 30. Thus, in fact, Broulik teaches away from the conclusion by clearly teaching that the server and the Telecomm application are separate, and further teaches that these two elements are linked through the CGI task (another separate element). One of ordinary skill of the art based on such a teaching would not be led to the conclusion that locating the target program on the server would have been obvious.

Additionally, one of ordinary skill in the art would understand from the Background discussed in Broulik that it would be undesirable to attempt to integrate the target program (Telecomm application) directly with a GUI client-server interface. It is explained that GUI clients would have to be able to interpret commands of all products, leading to a very large GUI client with nearly impossible version control requirements. The primary premise of the invention in Broulik is the utilization of a separate GUI server that is independent of the various proprietary protocols employed by the Telecomm applications. Thus, one of ordinary skill the art would be led away from considering the integration of the server with the target program (Telecomm application) based on the teachings of Broulik. Therefore, claim 1 is not rendered obvious based on Broulik. It is noted that the other applied references have not been cited to provide such teachings, and hence claim 1 is not rendered obvious even in view of the combination of the applied references.

Claim 4 further recites the step of identifying a directory location of the target program in the server based on the ASCII characters. In the Office Action the newly applied Tan was alleged to teach identifying a directory location based on transmit DNS request after conversion. Applicant respectfully traverses this conclusion. In accordance with Tan an international DNS receives an address in a language that requires conversion, transmits a conversion request to an

associated server, and receives back the converted address in an appropriate language suited for http usage. The converted address is returned to the originating user's PC that then transmits the converted address suited for http usage to a destination for such usage. Even in view of the teachings of Tan, one of ordinary skill the art would not understand it as teaching the identification of a "directory location of the target program in the server" based on ASCII characters. Even after the conversion by Tan of the address into an ASCII character set, the converted address does not identify a directory location of the target program; the converted address provides an understandable http address which may be useful for communications including e-mail, but does not correspond to a specific directory location of the target program. The converted address may specify a communication destination for an addressee associated with the http, but a converted address in accordance with Tan is not equivalent to the identification of a directory location of the target program in the server as required accordance with claim 4.

Independent apparatus claim 8 is believed to be patentable for similar reasons discussed above with regard to claim 1. Dependent apparatus claim 11 contains limitations similar to those of claim 4, and is believed to patentably distinguish over the applied art for similar reasons.

Reconsideration and withdrawal of all rejections is therefore respectfully requested. If a telephone conference would advance the prosecution of the subject application, the Examiner is invited to contact applicant's undersigned attorney.

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Charles L. Warren
Attorney for Applicants
Reg. No. 27,407

PATTI & BRILL, LLC
Customer Number 32205